

HOUSE BILL No. 1011

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-19.

Synopsis: Passenger restraint systems. Repeals: (1) provisions specifying that failure to comply with the laws concerning safety belt and child passenger restraint system use does not constitute fault or contributory negligence; and (2) a prohibition against the admission of evidence of failure to comply with the law concerning safety belt use in civil actions to mitigate damages.

Effective: July 1, 2015.

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January 6, 2015, read first time and referred to Committee on Judiciary.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-19-10-0.1, AS ADDED BY P.L.220-2011,
2 SECTION 213, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2015]: Sec. 0.1. (a) The amendments made to
4 section 7 of this chapter (**before its repeal**) by P.L.121-1993 apply to
5 a product liability action that arises after June 30, 1993.

6 **(b) This section expires July 1, 2025.**

7 SECTION 2. IC 9-19-10-7 IS REPEALED [EFFECTIVE JULY 1,
8 2015]. Sec. 7: (a) Failure to comply with section 1; 2; or 3.1(a) of this
9 chapter does not constitute fault under IC 34-51-2 and does not limit
10 the liability of an insurer:

11 (b) Except as provided in subsection (c), evidence of the failure to
12 comply with section 1; 2; or 3.1(a) of this chapter may not be admitted
13 in a civil action to mitigate damages:

14 (c) Evidence of a failure to comply with this chapter may be
15 admitted in a civil action as to mitigation of damages in a product



1 liability action involving a motor vehicle restraint or supplemental
2 restraint system. The defendant in such an action has the burden of
3 proving noncompliance with this chapter and that compliance with this
4 chapter would have reduced injuries, and the extent of the reduction.

5 SECTION 3. IC 9-19-11-8 IS REPEALED [EFFECTIVE JULY 1,
6 2015]. Sec. 8: Failure to comply with this chapter does not constitute
7 contributory negligence.

